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IN THE UNITED STATES DISTRICT COURT
6
FOR THE DISTRICT OF ARIZONA
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9 Thomas E. Perez¹,
10 *Secretary of Labor, United States
Department of Labor*

11 Plaintiff,
12 v.
13

14 Regis Development Incorporated, et al.,
15 Defendants.

No. CV-13-1353 PHX-BSB

**ORDER APPROVING STIPULATED
AMENDED CONSENT JUDGMENT**

16 Plaintiff Thomas E. Perez, Secretary of Labor, U.S. Department of Labor
17 (“Secretary”) having filed his complaint, and Defendants, Regis Development, Inc. and
18 Leo Loiacano, having been duly advised on the proceedings and having agreed to the
19 entry of this Amended Consent Judgment in settlement of this case without contest,

20 **IT IS ORDERED** that Defendants Regis Development, Inc. and Leo Loiacano,
21 their officers, agents, servants, and employees and those persons in active concert or
22 participation with them who receive actual notice of this order (by personal service or
23 otherwise) be, and they hereby are, permanently enjoined and restrained from violating
24 the provisions of Sections 15(a)(2) and 15(a)(5) of the FLSA, 29 U.S.C. §§ 215(a)(2),
25 and 215(a)(5), in any of the following manners:

- 26 1) Defendants shall not, contrary to FLSA § 7, 29 U.S.C. § 207, employ any

27
28 ¹ Thomas E. Perez was sworn in as Secretary of Labor on July 23, 2013. Pursuant to FRCP 25(d) the caption has been changed to reflect his appointment.

1 employee who in any workweek is employed in an enterprise engaged in commerce or in
2 the production of goods for commerce, within the meaning of the FLSA, for a workweek
3 longer than 40 hours unless the employee is paid at a rate of time and one half the
4 employee's regular rate for all hours worked in excess of 40 hours in a workweek.

5 2) Defendants shall not fail to make, keep, make available to authorized agents
6 of the Secretary for inspection, transcription, and/or copying, upon their demand for such
7 access, and preserve records of employees and of the wages, hours, and other conditions
8 and practices of employment maintained, as prescribed by regulations issued, and from
9 time to time amended, pursuant to FLSA §§ 11(c) and 15(a)(5), 29 U.S.C. §§ 211(c) and
10 215(a)(5) and the implementing regulations found in Title 29, Code of Federal
11 Regulations, Part 516.

12 3) Defendants, jointly and severally, shall not continue to withhold the
13 payment of \$267,153.34, the unpaid balance remaining from \$282,603.34 in unpaid
14 overtime pay and interest hereby found to be due under the FLSA to 213 employees for
15 their employment by Defendants at Regis Development, Inc. during the period of October
16 4, 2009 to February 5, 2012. The attached Exhibit 1 shows the name of each employee,
17 period of employment covered by this Amended Consent Judgment and gross backwage
18 amount due to each employee.

19 4) Pursuant to the immediately preceding paragraph, Defendants shall not fail
20 to deliver to the Secretary's authorized representatives at

21 U.S. Department of Labor Wage and Hour Division
22 Phoenix District Office
23 230 N. First Avenue, Suite 402
24 Phoenix, AZ 85003-1725

25 the following:

26 A. On or before March 1, 2013, a schedule bearing the name of Regis
27 Development, Inc., its address, telephone number and employer identification number.
28 The schedule must show the name, last known home address, telephone number and

1 social security number for each person listed in the attached Exhibit 1 and the gross
2 backwage amount due to each. Defendants delivered this schedule timely.

3 B. A certified or cashier's check or money order, in the amounts and on or before
4 the dates set forth in the Installment Payment Table attached hereto as Exhibit 2. Each
5 check or money order shall be made payable to the order of Wage & Hour Div-Labor,
6 with the Company's name and "BWs" written on each. Each such payment includes
7 interest calculated at 1% per year.

8 In the event of any default in the timely making of any payment due hereunder, the
9 full amount due under the backwage provisions of this Judgment which then remains
10 unpaid, plus post-judgment interest at the rate of 10% per year, from the date of this
11 Judgment until paid in full, shall become due and payable upon the Secretary's sending
12 by ordinary mail a written demand to the last business address of the Defendants then
13 known to the Secretary.

14 The Secretary shall allocate and distribute the remittances, or the proceeds thereof,
15 to the persons named in the attached Exhibit 1, or to their estates if that be necessary, in
16 her sole discretion. The Secretary shall make required legal deductions for the employee
17 portion of Social Security and federal income tax due and forward these amounts to the
18 appropriate agencies. The employer remains responsible for the employer portion of the
19 taxes that are due. Any money not so paid within a period of three years from the date of
20 its receipt, because of an inability to locate the proper persons or because of their refusal
21 to accept it, shall be deposited by the Secretary in a special deposit account for payment
22 to the proper persons and upon such inability to pay within 3 years, shall then be
23 deposited in the Treasury of the United States, as miscellaneous receipts, pursuant to 29
24 U.S.C. § 216(c);

25 5) Defendants, individually or collectively, directly or through agents,
26 employees, associates, friends or relatives, shall not in any way demand, require or accept
27 any of the backwages due under this Judgment from any employee. Defendants cannot
28 threaten or imply that adverse action will be taken against any employee because of

1 his/her receipt of funds due under this Judgment. Defendants understand and agree that
2 demanding or accepting any of the wages due under this Judgment or threatening any
3 employee for accepting money due under this Judgment is specifically prohibited by this
4 Judgment;

5 6) Defendants shall distribute a copy of the attached Exhibit 3, in English and
6 Spanish, which summarizes terms of this Judgment and the employees' rights under the
7 FLSA, to each of their employees, in the employees' native language, and post a copy in
8 both languages at its establishment.

9 **IT IS ORDERED** that each party shall bear its own fees and other expenses
10 incurred by such party in connection with any stage of this proceeding, including but not
11 limited to attorneys' fees, which may be available under the Equal Access to Justice Act,
12 as amended.

13 **IT IS FURTHER ORDERED** that this Court retains jurisdiction of this action for
14 purposes of enforcing compliance with the terms of this Amended Consent Judgment.

15 Dated this 17th day of September, 2013.

Bridget & Basile

Bridget S. Bade

United States Magistrate Judge

Exhibit 1

	Last Name	First Name	From	To	Amount Due
1	Adair	Aaron	12/14/2009	01/24/2010	\$294.80
2	Alarcon	Jose	09/28/2009	08/02/2010	\$1,073.54
3	Almanza	Christopher	10/05/2009	02/05/2012	\$4,294.08
4	Alvarez	Hugo	03/30/2010	04/10/2011	\$2,285.36
5	Amaya	Ralph	10/04/2009	11/16/2009	\$190.81
6	Anderson	Jamin	12/11/2009	06/14/2010	\$1,524.50
7	Armenta	Miguel	10/17/2010	01/30/2011	\$654.58
8	Bagsby	Ruben	08/07/2010	09/25/2010	\$47.24
9	Baize	Kevin	11/19/2009	05/29/2011	\$3,565.77
10	Beltran	Armando	03/07/2010	05/30/2010	\$943.55
11	Beltran	Enrique	02/25/2010	05/24/2010	\$549.53
12	Bermudez	Ricardo	02/12/2010	05/24/2010	\$964.72
13	Blackmon	Russell	07/19/2010	09/25/2010	\$275.72
14	Box	Herman	10/05/2009	05/02/2010	\$1,660.42
15	Bramley	Michael	05/06/2010	06/23/2010	\$211.85
16	Branham	Howell	06/10/2010	09/25/2010	\$860.99
17	Branham	Jason	10/17/2010	04/03/2011	\$167.45
18	Branham	Steven	06/10/2010	04/03/2011	\$1,364.21
19	Brown	Perry	06/23/2010	02/06/2011	\$1,151.78
20	Brueggeman	Malcolm	10/05/2009	02/15/2010	\$1,035.38
21	Candelaria	David	03/14/2010	05/30/2010	\$816.54
22	Canela	Mario	10/05/2009	08/02/2010	\$2,780.43
23	Canyon	Anthony	05/18/2010	12/19/2010	\$799.51
24	Capaci	Ray	10/17/2010	04/10/2011	\$1,548.02
25	Castorena	Philip	03/01/2010	05/30/2010	\$262.50
26	Chalupp	David	10/15/2009	05/17/2010	\$1,832.66
27	Chapman	Nicholas	10/17/2010	04/10/2011	\$1,772.81
28	Charley	Dino	02/06/2010	05/24/2010	\$1,043.58
29	Chasten	Clark	07/24/2011	10/16/2011	\$594.20
30	Chavez	Abel	10/26/2009	02/25/2012	\$2,415.79
31	Chruscinskoi	Kevin	03/31/2011	04/17/2011	\$22.00
32	Clampitt	Jenny	08/26/2010	06/05/2011	\$813.46
33	Clark	Michael	10/05/2009	05/29/2011	\$1,137.19
34	Clayton	Daniel	06/10/2010	02/05/2012	\$1,031.84
35	Cleary	Diana	03/20/2011	10/30/2011	\$927.76
36	Clements	Joel	06/16/2010	04/03/2011	\$1,178.95
37	Colone	Joel	10/05/2009	11/18/2009	\$533.59
38	Comellier	Nichelle	05/06/2010	06/23/2010	\$245.69
39	Comer	Jock	11/19/2009	04/29/2010	\$1,216.76
40	Contreras	Joseph	10/05/2009	05/24/2010	\$1,522.07
41	Copeland	Stephanie	02/08/2010	05/29/2011	\$2,800.10
42	Cornellier	Angela	10/05/2009	06/05/2011	\$4,958.52
43	Craven	Jeremy	10/05/2009	11/22/2009	\$350.23
44	Current	Kenneth	12/07/2009	09/25/2010	\$3,757.76

	Last Name	First Name	From	To	Amount Due
1	Dawson	Chaunce	03/11/2010	05/30/2010	\$929.36
2	Diaz	Joseph	10/17/2010	04/17/2011	\$456.40
3	Diminio	John	10/17/2010	08/07/2011	\$116.87
4	Downer	Anthony	03/12/2010	08/28/2010	\$789.59
5	Eaton	Charles	10/05/2009	11/18/2009	\$364.00
6	Ehresman	Scott	10/05/2009	11/22/2009	\$402.50
7	Ekstrom	Tyler	10/05/2009	05/22/2011	\$5,842.29
8	Esparza	Christopher	07/02/2010	08/29/2010	\$1,453.65
9	Etsitty	Darlene	05/07/2010	05/24/2010	\$128.33
10	Fellenz	Randy	06/17/2010	09/25/2010	\$335.47
11	Fimbres	Sonia	08/27/2010	09/22/2010	\$142.15
12	Fischer	Ken	01/16/2011	03/13/2011	\$107.42
13	Fischer	Marshall	10/05/2009	02/28/2010	\$1,508.16
14	Flanders	Shawn	10/05/2009	05/09/2010	\$1,616.71
15	Flores-Modesto	Margarito	08/01/2010	08/29/2010	\$177.44
16	Fofana	Kristina	02/20/2011	02/05/2012	\$220.81
17	Fortuna	Paul	06/19/2011	01/29/2012	\$1,204.98
18	Francis	Albert	05/07/2010	05/24/2010	\$104.99
19	Francis	Thomasita	10/05/2009	05/24/2010	\$2,429.21
20	Francis	Tommy	02/06/2010	04/28/2010	\$650.80
21	Fuentes	Michael	10/05/2009	05/24/2010	\$2,078.12
22	Galdones	Justin	08/24/2009	02/05/2012	\$4,299.32
23	Garcia	David	08/24/2009	12/03/2009	\$648.64
24	Garcia	Dominic	02/24/2010	05/16/2010	\$528.49
25	Garcia	Ernest	02/24/2010	05/16/2010	\$904.73
26	Garcia	Estevan	01/18/2010	09/25/2010	\$1,755.50
27	Glahn	Bruce	01/25/2010	05/30/2010	\$1,171.42
28	Gleeson	Tony	01/22/2012	02/05/2012	\$133.61
29	Gomez	Antonio	11/16/2009	12/05/2009	\$326.66
30	Gregg	Terron	11/05/2009	02/09/2010	\$794.25
31	Guerra	Marco	11/14/2010	10/30/2011	\$1,092.75
32	Guerrero	Sergio	10/12/2009	12/13/2009	\$1,994.60
33	Haller	Thomas	10/08/2009	03/20/2011	\$2,879.84
34	Hampshire	Larry	10/05/2009	05/30/2010	\$1,126.14
35	Hannafin	Courtney	10/05/2009	02/05/2012	\$3,596.41
36	Haro	Salvador	09/10/2009	09/25/2009	\$52.49
37	Harrison	Steven	10/05/2009	06/07/2010	\$2,528.21
38	Hart	Ariel	10/11/2009	02/05/2012	\$3,692.25
39	Hazlett	Brian	10/05/2009	04/26/2010	\$2,027.20
40	Hemmerling	David	08/10/2009	10/12/2009	\$913.02
41	Henth	David	11/20/2009	09/25/2010	\$2,564.40
42	Hermosillo	Homero	08/07/2011	02/05/2012	\$1,433.61
43	Hernandez	Martin	10/05/2009	02/17/2010	\$827.98
44	Hertanu	Denny	02/15/2010	02/05/2012	\$1,720.04
45	Higareda	Fernando	02/25/2010	05/16/2010	\$591.49

	Last Name	First Name	From	To	Amount Due
1	Hirsch	Michael	05/18/2010	05/06/2011	\$3,673.02
2	Hompkins	Chris	07/24/2011	02/05/2012	\$213.84
3	Hudson	Jerry	02/17/2010	05/08/2011	\$3,198.41
4	Hundelt	Ashlee	07/24/2011	02/05/2012	\$539.83
5	Jackowski	Jaroslaw	05/20/2010	06/05/2011	\$2,076.91
6	Jake	Shawna	10/05/2009	12/12/2010	\$3,096.83
7	Jameson	Larry	01/29/2010	06/02/2010	\$1,297.57
8	Jaramillo	Steven	03/01/2010	03/07/2010	\$27.20
9	Jasso	Lydia	10/10/2010	04/10/2011	\$532.22
10	Johnson	Joseph	04/23/2010	09/25/2010	\$1,155.00
11	Johnson	Philip	03/02/2010	02/05/2011	\$2,854.92
12	Kaitschuck	Duane	10/05/2009	09/25/2010	\$0.00
13	Kasper	Minnie	10/05/2009	04/17/2011	\$3,336.21
14	Kaye	Averill	10/05/2009	05/24/2010	\$2,332.83
15	Kelly	Brandy	11/18/2009	06/07/2010	\$33.18
16	Kobey	David	04/11/2010	06/05/2011	\$1,102.19
17	Koss	Jeffrey	10/05/2009	03/27/2011	\$4,149.56
18	Laderoot	Shannon	01/25/2010	03/03/2010	\$223.56
19	Lamb	Terry	03/09/2010	04/19/2010	\$68.25
20	Lauro	Jay-Mycle	10/05/2009	02/22/2010	\$1,308.93
21	Littlepage	Bill	06/05/2011	07/31/2011	\$209.27
22	Long	Matthew	12/31/2009	04/26/2010	\$846.81
23	Lopez	Rachael	07/04/2010	02/05/2012	\$560.54
24	Lopez	Samuel	02/25/2010	05/19/2010	\$553.16
25	Loux	Jonathan	09/07/2010	10/30/2011	\$1,824.77
26	Lunn	Russell	02/13/2010	03/11/2010	\$417.90
27	Martin	Anthony	01/02/2011	10/30/2011	\$393.76
28	Martinez-Ramirez	Fernando	10/27/2009	05/12/2010	\$2,094.90
29	Martinotti	James	06/07/2010	09/25/2010	\$491.39
30	Marty	John	09/29/2009	11/20/2009	\$524.41
31	Mcarthur	Adam	10/05/2009	08/01/2010	\$2,899.22
32	Medina	Jorge	10/15/2009	05/24/2010	\$2,046.26
33	Medrano	Juan	02/13/2010	09/25/2010	\$1,055.97
34	Mellott	Ronald	03/29/2010	05/26/2010	\$368.45
35	Meneou	Alan	10/26/2009	08/09/2010	\$2,546.88
36	Merrill	Jason	08/24/2009	06/30/2010	\$2,696.35
37	Mesa	Carey	05/09/2009	01/08/2010	\$716.69
38	Mexia	Juan	07/26/2010	04/03/2011	\$1,181.44
39	Meza	Daniel	12/06/2009	05/24/2010	\$1,210.32
40	Miller	Carley	02/20/2010	03/14/2010	\$85.73
41	Mendoza	Bennie	10/06/2009	10/22/2009	\$99.01
42	Morales Martinez	Ely	02/15/2010	05/24/2010	\$701.61
43	Moreno	Matilde	07/24/2011	02/05/2012	\$823.38
44	Morrisse	Ryan	07/05/2010	07/18/2010	\$83.99
45	Mullet	Harold	10/05/2009	07/14/2010	\$2,487.90

	Last Name	First Name	From	To	Amount Due
1	Murray	Patrick	07/27/2010	09/25/2010	\$496.65
2	Nava	Tomas	12/09/2009	05/24/2010	\$1,555.38
3	Naylor	Timonthy	08/01/2010	09/25/2010	\$228.89
4	Nielsen	Douglas	02/23/2010	03/22/2010	\$110.24
5	Nino	Javier	03/22/2010	02/05/2012	\$2,703.71
6	Nobel	Kurt	10/05/2009	05/24/2010	\$1,935.29
7	Nutter	Warren	10/05/2009	08/02/2010	\$2,238.75
8	Olivares	Josie	10/17/2010	01/09/2011	\$39.10
9	Olivares	Toni	03/08/2010	02/05/2012	\$4,583.55
10	Olson	Eric	06/05/2011	02/05/2012	\$1,464.49
11	Ondap	Johanna	02/27/2011	02/05/2012	\$846.32
12	Ortiz	Heidi	08/16/2010	01/02/2011	\$337.13
13	Otteson	Chad	05/10/2010	04/17/2011	\$3,661.84
14	Owen	Michael	06/15/2010	07/26/2010	\$218.40
15	Palmer	Kellen	09/28/2009	09/25/2010	\$3,175.77
16	Parker	Forest	10/17/2010	04/17/2011	\$156.05
17	Pearson	Ronald	12/06/2009	01/08/2010	\$305.57
18	Pina	June	10/05/2009	10/30/2011	\$8,393.53
19	Plath	Isreal	01/14/2010	10/30/2011	\$1,823.69
20	Poe	Susan	07/26/2010	04/10/2011	\$823.66
21	Pros	Mary	02/17/2010	08/02/2010	\$1,240.74
22	Pros	Nicholas	02/17/2010	08/02/2010	\$1,323.58
23	Przybyl	Ronald	10/05/2009	05/30/2010	\$2,002.88
24	Ramos	Luis	03/08/2010	05/30/2010	\$840.58
25	Ramos	Raul	02/15/2010	05/24/2010	\$1,200.72
26	Ramsey	Lucas	10/05/2009	09/12/2010	\$3,648.29
27	Rebollo	Anthony	10/05/2009	02/12/2010	\$506.69
28	Redman	Ryan	04/12/2010	07/19/2010	\$494.90
29	Reimann	Christopher	09/25/2009	05/24/2010	\$1,428.15
30	Reynolds	Jeffrey	06/08/2010	03/27/2011	\$1,394.07
31	Richards	Kyle	10/10/2010	11/14/2010	\$22.62
32	Rico	Eddie	10/19/2009	11/16/2009	\$181.21
33	Rios	Alejandro	10/05/2009	03/23/2010	\$2,182.87
34	Rios	Carlos	09/29/2009	07/31/2011	\$5,373.53
35	Rios	Efren	10/12/2009	07/31/2011	\$7,110.08
36	Rios	Vaneesha	10/17/2010	05/15/2011	\$140.37
37	Rios-Verdugo	Jesus	07/19/2010	09/25/2010	\$528.49
38	Roach	Heath	01/09/2011	07/03/2011	\$881.35
39	Robbins	Derrick	10/26/2009	04/30/2010	\$1,564.84
40	Robertson	Justin	09/10/2009	11/10/2009	\$295.74
41	Rogers	Patrick	11/02/2009	04/26/2010	\$2,005.27
42	Romero	Freddie	01/18/2010	07/05/2010	\$1,224.31
43	Romualdo	Mauro	01/18/2010	08/02/2010	\$1,381.11
44	Ross	John	01/04/2010	06/03/2010	\$1,380.77
45	Ross	Julie	01/04/2010	06/03/2010	\$1,441.15

	Last Name	First Name	From	To	Amount Due
1	Schrader	Shanda	10/17/2010	03/20/2011	\$841.39
2	Scruggs	Mark	10/05/2009	09/25/2010	\$2,939.88
3	Sesslar	Charles	06/29/2010	08/09/2010	\$287.70
4	Shaver	Sheridan	02/25/2010	07/29/2010	\$286.64
5	Sigueiros	Enrique	10/05/2009	08/01/2010	\$1,902.63
6	Singer	Mark	11/15/2010	04/17/2011	\$638.65
7	Sotelo	Marcelo	12/05/2010	02/05/2012	\$3,325.54
8	Soto	Efrain	12/19/2010	05/22/2011	\$516.32
9	Spence	Shilo	10/05/2009	10/18/2009	\$202.81
10	Stephenson	Michael	03/09/2010	09/25/2010	\$138.25
11	Taylor	Demarcus	03/30/2010	05/24/2010	\$432.40
12	Tennant	Scott	07/26/2010	04/03/2011	\$1,172.25
13	Tizio	Paul	10/12/2009	11/08/2009	\$122.49
14	Toon	Cynthia	10/10/2010	10/24/2010	\$60.14
15	Townsend	Nicholas	12/14/2009	02/25/2010	\$540.68
16	Trevino	Paul	04/05/2010	05/20/2010	\$280.00
17	Turrey	Francisco	09/25/2009	12/03/2009	\$608.59
18	Valdez	Erendida	03/25/2010	05/19/2010	\$156.45
19	Valenzuela	Antonio	10/05/2009	01/18/2010	\$209.38
20	Valley	Chad	01/30/2011	04/17/2011	\$362.84
21	Vasquez	Seberino	07/24/2011	07/31/2011	\$69.34
22	Verdugo	Jesus	10/24/2010	04/10/2011	\$588.32
23	Villanueva	Carlos	07/24/2011	10/30/2011	\$187.56
24	Villegas	Ricardo	09/13/2009	09/20/2009	\$63.00
25	Vincent	Richard	12/09/2009	12/27/2009	\$91.78
26	Wells	Phillip	10/05/2009	11/15/2009	\$239.23
27	Werle	Brandon	09/28/2009	01/18/2010	\$741.30
28	Werle	Joshua	12/06/2009	07/30/2010	\$2,036.57
29	Wheeler	Preston	05/10/2010	03/27/2011	\$1,550.90
30	Williamson	George	03/29/2010	09/25/2010	\$1,096.26
31	Willwerth	Jason	05/10/2010	09/25/2010	\$1,015.35
32	Yanez	Santiago	06/05/2011	08/07/2011	\$86.94
33	Zamudio	Rafael	12/06/2009	05/24/2010	\$1,690.62
34	Zaragoza	Ann	08/13/2010	10/30/2011	\$716.54

Exhibit 2

INSTALLMENT PAYMENT TABLE

Payment No.	Due Date	Gross Amount Due
1	September 30, 2013	\$ 7,725.00
2	December 30, 2013	\$ 7,725.00
3	March 30, 2014	\$ 7,725.00
4	June 30, 2014	\$ 7,725.00
5	September 30, 2014	\$ 7,725.00
6	December 30, 2014	\$ 7,725.00
7	March 30, 2015	\$ 7,725.00
8	June 30, 2015	\$ 7,725.00
9	September 30, 2015	\$ 7,725.00
10	December 30, 2015	\$ 7,725.00
11	March 30, 2016	\$189,903.34

Exhibit 3

LEGAL NOTICE TO ALL EMPLOYEES

The **Fair Labor Standards Act** provides that all employees must be paid **minimum wage** for all hours worked. In addition, employees must be paid **overtime**, at a rate of time and one half their regular rate, for the hours they work over 40 in a workweek. All employees, whether they are paid **hourly** or on a **piece rate** basis are entitled to overtime when they work over 40 hours.

Regis Development has settled a lawsuit with the U.S. **Department of Labor**. As part of this settlement, it has agreed to pay unpaid backwages owed to some employees. The Department of Labor will distribute these checks to the employees who are owed money. Nobody from the company can ask you for this money back, and no employee must return this money back.

Your employer wants you to know that it is committed to ensuring that all employees are paid overtime when it is due and in fully complying with all laws enforced by the Department of Labor. If you are not paid overtime, or if anybody associated with this shop tells employees to return their wages, please call the **U.S. Department of Labor at (602) 514-7100**, or **1 866-4-USWAGE**. Your name will be kept confidential and not disclosed.